

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARLEE GOLPHIN,	:	Case No. 1:21-cv-1025
	:	
Plaintiff,	:	Judge
	:	
v.	:	
	:	
GRIFOLS USA, LLC, BIOMAT USA,	:	DEFENDANTS' NOTICE OF REMOVAL
INC., and JUSTIN SENITA,	:	
	:	
Defendants.	:	

Defendants Grifols USA, LLC (“Grifols”), Biomat USA, Inc. (“Biomat”), and Justin Senita (“Senita”) (collectively, “Defendants”)¹ hereby notice the removal of the above-captioned case from the Court of Common Pleas, Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. Defendants state as follows:

1. Plaintiff Carlee Golphin filed this action in the Common Pleas Court of Cuyahoga County, Ohio in Case No. CV 21 946389, on or about April 14, 2021. The Cuyahoga County Court of Common Pleas docketed the matter as *Carlee Golphin v. Grifols USA, LLC, et al.*, Case No. CV21946389 (the “State Court Action”). Grifols and Biomat were first served with a copy of the Complaint on or about April 19, 2021. Senita was first served with a copy of the Complaint on or about April 20, 2021. True and correct copies of the Summonses and Complaint filed in the State Court Action are attached hereto as Exhibit A.

2. Plaintiff’s Complaint asserts claims for disability and race discrimination under Ohio law. (Compl. ¶¶ 137-164).

¹ Grifols never employed Plaintiff. Instead, Plaintiff was employed by Biomat.

3. Additionally, pursuant to 28 U.S.C. § 1332(a)(1), “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States.”

4. Complete diversity of citizenship exists between Plaintiff, who resides in Ohio, and Defendants. Grifols is incorporated in Florida and maintains its principal place of business in California; Biomat is incorporated in Delaware and maintains its principal place of business in California; and Senita is a resident of Pennsylvania. Plaintiff was earning approximately \$29,452 annually, and her employment was terminated on December 31, 2019. The alleged back pay will exceed \$75,000 by the time of trial. On top of that, Plaintiff requests compensatory damages “in excess of \$25,000,” punitive damages “in excess of \$25,000,” and attorneys’ fees. While Defendants strongly deny there is liability and dispute that Plaintiff is entitled to any damages, the amount in controversy exceeds \$75,000. The Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1); and this action is removable pursuant to 28 U.S.C. § 1441(a).

5. Plaintiff initiated this action in the Court of Common Pleas in Cuyahoga County, Ohio. The United States District Court for the Northern District of Ohio, Eastern Division, is the judicial district embracing the place where this case is pending. 28 U.S.C. § 115(b)(1). Venue is therefore proper in this Court.

6. This Notice of Removal is timely filed with this Court within thirty (30) days after Defendants were served with Complaint in compliance with 28 U.S.C. § 1446(b).

7. In compliance with 28 U.S.C. § 1446(a), Defendants are attaching in an Appendix hereto a copy of each process, pleading, and order, including the Complaint, that have been served on Defendants as Exhibit A.

8. In compliance with 28 U.S.C. § 1446(a), a copy of this Notice of Removal, with all attachments, is being filed in the United States District Court for the Northern District of Ohio, Eastern Division, on this date.

9. Pursuant to 28 U.S.C. § 1446(d), Defendants will file a copy of the Notice of Removal with the Clerk of Courts of the Court of Common Pleas, Cuyahoga County, Ohio. Defendants will serve a copy of the same upon opposing counsel. Copies of the Notice of Filing of Notice of Removal and Notice to Opposing Counsel of Filing of Notice of Removal are attached hereto as Exhibit B and Exhibit C, respectively.

10. Defendants reserve any and all defenses available to them.

WHEREFORE, Defendants hereby request the State Court Action be removed from the Court of Common Pleas, Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division.

Dated this 17th day of May, 2021.

Respectfully submitted,

/s/ Tessa L. Castner

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served via electronic mail on this 17th day of May, 2021, upon the following:

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*/s/ Tessa L. Castner*_____

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